

Public Comments on the EPA Proposed Actions at the Dewey-Burdock Uranium In-Situ Recovery Site

14. Concerns about the proposed aquifer exemption.***

Letter ID	Name & Summary Section	Commenter Org.	Text
00011	Ex. 6 Personal Privacy (PP)	Individual	Subject: Comment on UIC Area Permit to Powertech, Inc To Whom It May Concern: I find the use of injection wells in the Inyan Kara Group horrifying and should not be permitted. Further, this aquifer should NOT be exempted from the Safe Drinking Water Act .
00014		Individual	Subject: Aquifer exemption for uranium mining project in southwestern South Dakota <u>In regards to the uranium mining exemption- We must not continue to destroy our waterways and lands by allowing big business to dump wastes and bypass the protections provided by the EPA.</u>
00021		Individual	Subject: Aquifer Exemption for S D Mining Project I am writing to provide an opinion of the exemption rules proposed for this project. Why in the world would injecting uranium waste products into a fresh water aquifer even be considered for approval? Protect our drinking water, no matter where it is. An aquifer is not a garbage can for some mining company.
00022		Individual	Subject: Draft permits and aquifer exemption for uranium mining project in southwestern South Dakota I am writing to voice my strong opposition to the EPA issuing Underground Injection Control Area permits to Powertech Inc for injection activities related to a proposed uranium recovery project in the southern Black Hills region in Custer and Fall River Counties of South Dakota. I am specifically horrified that the EPA would allow an exemption approval in connection with the draft UIC Class III Area Permit. Specifically, this approval would exempt the uranium-bearing portions of the Inyan Kara Group aquifers from protection under the Safe Drinking Water Act . Such an exemption must be in place before ISR activities within these aquifers can occur and strongly oppose this exemption. Thank you for considering my voice and views in this matter.

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00041	Ex. 6 Personal Privacy (PP)	Individual	Subject: no on exemption from safe drinking water regulations in SD In regards to the below, I am against both the uranium mining and most especially exempting the company from regulations on safe drinking water . That sounds like a bad idea for public health. Thanks.
00044			<u>I say NO to granting this uranium mining company with an permit to be "exempt" from the Safe Drinking Water Act so that they can polluted this water and it will never be used for drinking water in the future.</u>
00049		Individual	<u>Subject: South Dakota aquifer exemption</u> Please do not permit Powertech an exemption to dump uranium into the aquifer system in South Dakota. Water sources must be protected from contamination .
00050		Individual	<u>Subject: Aquifer exemption for uranium mining project in SW Dakota</u> I strenuously object to the exemption requested by the uranium mining company to permit uranium mining waste disposal in a SD aquifer. Aquifers are pristine sources of water, and contamination cannot be reversed. The regulations already in place to prohibit this need to be followed. Our health takes priority over the financial interests of this company.
00064		Individual	Also with regards to the aquifer exemption of uranium-bearing portions from the Safe Drinking Water Act. I am trying to figure out what good can be gained from this exclusion? I am respectfully requesting that the EPA, in its infinite wisdom not grant these permits or exemptions. The Safe Drinking Water Act was put in place for a reason. Our future depends on the actions of the present. Thank you for letting my voice be counted.
00065		Individual	<u>Subject: Protect Out Aquifers!</u> Please do not provide an exemption for the uranium mining project in South Dakota. Aquifers are a water resource that many rely on for clean water . Protect the aquifer!
00076		Individual	<u>Subject: Inyan Kara Aquifers</u> I would like to comment on exemption request to inject uranium-bearing waste water into Inyan Kara Group aquifers from protection under the Safe Drinking Water Act . I object and wonder how can this even be considered. What in the world is going on with EPAULETS to even consider this.

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00087	Ex. 6 Personal Privacy (PP)	Individual	Subject: quifer exemption for uranium mining project in southwestern South Dakota I find this shocking. No, the uranium bearing portions of the Inyan Kara Group aquifers SHOULD NOT BE EXEMPT from protection under the Safe Drinking Water Act . What in the world is going on? Please, do your job and protect our drinking water.
00115		Individual	Subject: Aquifer exemption for uranium mining RE: EPA has issued two draft Underground Injection Control (UIC) Area Permits to Powertech (USA) Inc., for injection activities related to a proposed uranium recovery project in the southern Black Hills region in Custer and Fall River Counties of South Dakota. Ms. Shea, I am writing as a concerned citizen regarding the recently announced application for exemption from what can only be called sensible guidelines for the protecting of a water aquifer . The potential for water contamination by uranium must be taken very seriously, particularly given the long term threat posed to not just human life , but all life, such as the increased rates of cancers due to increases in mutation rates. As I am sure you know, this potential for environmental damage is exacerbated by the presence of nitrates, which are practically ubiquitous in just about every region of the US. I strongly urge the EPA, the guardians of our environment, not to approve such a blatantly dangerous exemption .
00158		Individual	Indeed, they also want a permanent exemption for the Inyan Kara aquifer from the Safe Drinking Water Act . This aquifer is a drinking water, household water use, and livestock water source in the immediate area . This should not be allowed.
00160		Individual	In regards to legal discrepancies, there seems to be many that are associated with this project. The fact that an exemption from the Safe Water Drinking Act is needed to proceed with this uranium extraction says a lot in itself (EPA, 2016). This Safe Drinking Water Act was enacted to protect our nation's potable water sources, and therefore, should continue to do this instead of allowing exemptions that compromise the safety of the water within these aquifers.
00169		Individual	The EPA website also claims the following: "EPA is also proposing an aquifer exemption approval in connection with the draft UIC Class III Area Permit. Specifically, this approval would exempt the uranium bearing portions of the Inyan Kara Group aquifers from protection under the Safe

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00171		Individual	<p>Subject: Inyan Kara Group aquifers</p> <p>Please do not exempt anyone from regulations prohibiting the injection of uranium et al into the aquifers.</p> <p>The mining company should still be subject to the regulations in place meant to protect the water.</p>
00180		Individual	<p>The second permit that the EPA is suggested that there would be an exemption for the aquifer. Meaning that this exemption would exclude uranium-bearing portions of the Inyan Kara Group aquifers from abided the Safe Drinking Water Act (EPA, 2017). In order for this any ISR activities to occur this exemption must be in place.</p> <p>[...]</p> <p>At a legal standpoint looking at both permits purposed they can violate the terms of the Safe Drinking Water Act, CWA, and various of water acts that are put into place to ensure quality drinking water. Mainly though, these permits would allow for a loop holes for the Black Hills region to not have to abided by. If these permits are adopted it can infect and pose health problems to those living around the aquifers. Sometimes violations of these acts can be criminalized, or most companies face many heavy fines.</p>
00192		Individual	<p>Subject: UIC 'Class III' Area Permit/ UIC 'Class V' Area Permit for deep-injection wells in the Minnelusa Formation</p> <p>Hello!</p> <p>I'm responding to the EPA Region 8 draft proposals mentioned in https://www.epa.gov/newsreleases/epa-seeks-publiccomment-draft-permits-and-aquifer-exemption-uranium-mining-project</p> <p>I was particularly alarmed by the language that "EPA is also proposing an aquifer exemption approval in connection with the draft UIC Class III Area Permit. Specifically, this approval would exempt the uranium-bearing portions of the Inyan Kara Group aquifers from protection under</p>

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	Ex. 6 Personal Privacy (PP)		<p>the Safe Drinking Water Act. Such an exemption must be in place before ISR activities within these aquifers can occur."</p> <p>As a citizen sympathetic to my fellow citizens pursuing such activities as "drinking and otherwise using water without it increasing the likelihood of cancer and poor health" I highly object to this exemption approval. If the Class III Area Permit is in an area vulnerable enough to require such review, then such review is a vital part of the process and should not be simply discarded out of convenience.</p>
00200		individual	<p><u>with so little drinking water resources, I feel that granting an aquifer exemption would be a very poor choice on the EPA's part, and not in the best interest of the area's current & future citizens.</u></p>
00205		individual	<p>EPA is also proposing an aquifer exemption approval in connection with the draft UIC Class III Area Permit. Specifically, this approval would exempt the uranium-bearing portions of the Inyan Kara Group aquifers from protection under the Safe Drinking Water Act. Such an exemption must be in place before ISR activities within these aquifers can occur.</p> <p>Thank you for your consideration and please do not provide the permit with SFDA drinking water exemptions.</p>
00232		individual	<p><u>Subject: Public comment on draft permits and aquifer exemption for uranium mining project in southwestern South Dakota</u></p> <p><u>Dear Ms. Shea:</u></p> <p><u>Absolutely no exemptions for groundwater contamination, whether from uranium, or any other foreign (non-H2O) substance. We (U.S. EPA) must prohibit any contamination of water, whether they are ground water or surface waters.</u></p> <p><u>https://www.epa.gov/newsreleases/epa-seeks-public-comment-draft-permits-and-aquifer-exemption-uraniummining-project</u></p>
00236		individual	<p>Subject: Aquifer Exemption South Dakota</p> <p>There is no safe level of Uranium waste in drinking water, and you won't be able to reach safe levels of uranium waste if you are exempting an aquifer from the safe drinking water act. By that very act you are saying that the people of that area don't deserve or need safe drinking water.</p>

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00238	Ex. 6 Personal Privacy (PP)	Individual	<p>Subject: I am opposed to granting permits to Powertech for uranium injection wells in South Dakota</p> <p>I am writing to register my opposition to the granting of permits and exemptions to the Safe Drinking Water Act for Powertech's proposed uranium mining in South Dakota..</p> <p>The Safe Drinking Water Act is a crucial means of protecting an irreplaceable resource used by local tribes and other residents. Granting exemptions to this Act so that a private company can reap financial rewards is wrong. There is NO safe amount of uranium that can be injected into an aquifer.</p> <p>i call upon the EPA to do its job in protecting the environment and its inhabitants.</p> <p>Do NOT GRANT this permit and exemption.</p>
00240		Individual	<p>Subject: Comments on Dewey-Burdock Class III and Class V Injection Well Draft Area Permits</p> <p>... The proposed action would expose the aquifers to dangerous contamination, therefore an aquifer exemption to the Safe Drinking Water Act is inappropriate and should be rejected</p>
00259		Individual	<p>Subject: Aquifer Contamination</p> <p>Does this paragraph actually state that despite the comments about treating the water in the preceding paragraph that you are requesting an exemption from treating it?</p> <p>"EPA is also proposing an aquifer exemption approval in connection with the draft UIC Class III Area Permit. Specifically, this approval would exempt the uranium-bearing portions of the Inyan Kara Group aquifers from protection under the Safe Drinking Water Act. Such an exemption must be in place before ISR activities within these aquifers can occur."</p>
00256		Individual	<p>Subject: comment on draft permits and aquifer exemption for uranium mining project in southwestern South Dakota</p> <p>PLEASE WITHHOLD NAME AND CONTACT INFORMATION BY POSTING AS ANONYMOUS</p> <p>... The EPA's proposed aquifer exemption approval in connection with the draft UIC Class III Area Permit would exempt the uranium-bearing portions of the Inyan Kara Group aquifers from protection under the Safe Drinking Water Act. That proposed exemption clearly indicates EPA's prior knowledge that uranium mining is unsafe and will most certainly contaminate drinking</p>

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	Ex. 6 Personal Privacy (PP)		<u>water</u> for millions of Americans. Such approval would give the mining company legal cover, but the EPA is charged with protecting Americans and the environment -- not corporate interests
00276		Individual	Subject: South Dakota uranium mining exemption - opposed. Dear Valois Shea, I am opposed to the aquifer exemption for the uranium mining project in South Dakota. Polluting water, no matter how remote, with radioactive and toxic waste is a horrible idea. Water is life and we have a finite supply. It needs to be protected for future generations.
00277		Individual	Subject: Underground Injection Control (UIC) Area Permits to Powertech (USA) Inc., I am also opposed to the approval of an aquifer exemption, which would exempt portions of this aquifer from protection under the Safe Drinking Water Act. This exemption would set a dangerous precedent by exempting drinking water protections at the federal level. I am concerned for the health and safety of the citizens of South Dakota and Wyoming that utilize this aquifer; and for the tourists that visit the Black Hills and Mount Rushmore.
00288		Individual	Subject: Dewey Burdock SD Dear Ms. Shea, Attached please find my written testimony objecting to the granting of exemptions to the Clean Drinking Water Act applied for by Powertech in their quest to mine in Dewey-Burdock areas of Fall River County and Custer County, South Dakota. [ATTACHMENT: "EPA.pdf"]
00289		Individual	The very fact that exemptions to the Clean Drinking Water Act have to be requested indicates that if the party requesting them has no interest in following the law. They want to violate it. If the E.P.A. grants these exemptions they will be complicit in violating the Cleaning Drinking Water Act, one of the most important pieces of legislation the E.P.A. exists to protect.
00289		Individual	These exemptions to the Clean Drinking Water Act could only be granted if it were economically viable to mine this uranium. With all that compensation that would have to be paid they cannot possibly be economically viable. [To address comment search AE ROD for "economic" and "commercial"]

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00289	Ex. 6 Personal Privacy (PP)	Individual	<u>Granting these exemptions would also take properly from other people living in the area. It would take the homes, ranches and farms from these people because their home would not be habitable without water and their ranches and farms, their livelihoods, could not support them without water.</u>
00304		Individual	5. Policies Involved One policy that would be effected by the mining for uranium in the Inyan Kara Group aquifers would be the Safe Drinking Water Act (McClain-Vanderpool, 2017). But, if the proposed UIC Class III Area permit would be put into place, then the aquifers in the Inyan Kara Group would be exempt from the provisions in the Safe Drinking Water Act (McClain-Vanderpool, 2017).
00308		Individual	If this is allowed, despite what I expect will be <i>huge</i> public disapproval, then there should be no exemption of the uranium-bearing portions of the Inyan Kara Group aquifers from protection under the Safe Drinking Water Act .
00309		Individual	Subject: exemption for uranium mining project I am writing to urge you to deny the exemption for the uranium mining project. The cost of this project to human health vastly outweighs the benefits; there are too many possibilities for error and too many risks associated with the waste injection methods for this to move forward. Please protect our environment and deny the exemption- please prioritize our children's health over profit.
00338		Individual	<u>Subject: EPA Region 8 UIC Program</u> <u>As a concerned US citizen I would like to voice my opposition to the aquifer exemption being requested by Powertech. There is evidence that these measures would contaminate drinking and ground water and are a bad idea. As Americans we rely on the EPA to protect our citizens and environment, so please do your job.</u>

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00343	Ex. 6 Personal Privacy (PP)	Individual	<p>Subject: No aquifer exemption for powertech usa</p> <p>Please do not grant an aquifer exemption for the UIC area permits to Powertech USA. We must protect our aquifers from contamination. They are a non-renewable resource, and contaminating them would likely have long-term consequences for humans. I object to risking a public resource that belongs not only to this generation but to future generations to come. Allowing the aquifer to be contaminated short sighted and inexcusable especially if it is for private profit.</p>
00348		Individual	<p>Subject: NO on Aquifer exemption for uranium mining in SD</p> <p>Water is quickly becoming our most valuable natural resource. The potential damage to the aquifer will be irreparable.</p>
00372		Individual	<p>Subject: Comments on Dewey-Burdock Class III and Class V Injection Well Draft Area Permits</p> <p>I object to allowing them to install up to 4,000 injection wells to mine uranium and to your potentially exempting parts of the Inyan Kara aquifer from the Safe Drinking Water Act, meaning that it can be polluted and will never be used for drinking water in the future.</p>
00388		Individual	<p>Subject: Oppose uranium mining waste disposal in aquifer</p> <p>... Providing an exemption for such action endangers the water supply and public health. I urge the EPA to refuse the requested. permission.</p>
00407		Individual	<p>Subject: Do not grant an aquifer exemption for the UIC permits to Powertech</p> <p>Please do not grant an aquifer exemption for the UIC area permits to Powertech USA. We must protect our aquifers from contamination. They are a non-renewable resource, and contaminating them would likely have long-term consequences for humans. I object to risking a public resource that belongs not only to this generation but to future generations to come. Allowing the aquifer to be contaminated short sighted and inexcusable especially if it is for private profit.</p>

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00410	Ex. 6 Personal Privacy (PP)	Individual	<p><u>VI. Protecting Water For The Future:</u></p> <p>... I remind you that the EPA and the NRC in the past have granted “exemptions” to the Safe Drinking Water Act and have allowed the reinjection of contaminated and radioactive waste water into aquifers near project sites. Please refer to the excellent study done by the Natural Resources Defense Council called “The Dirty Little Secret of Uranium Mining”. This report examines all of the uranium mining projects in the American west. There is no project in which the water in the mining areas has not been dangerously contaminated and ruined. Huge areas of our vital underground water supplies are now being contaminated and will soon be forever ruined. Without good water, we cannot run agriculture in this country.</p> <p>[...]</p> <p>Please protect our water...</p>
00416		Individual	<p><u>Background</u></p> <p>The EPA is contemplating issuing Powertech (USA) Inc. permits to allow uranium waste injection and exempt a portion of the aquifer from the Safe Drinking Water Act in Custer County and Fall River County, South Dakota (EPA, 2017). The drinking water exemption would allow Powertech additional time in order to achieve compliance with regulation (EPA, 2017). Powertech has designed security measures to protect the aquifer, but even though these measures are in place, the risks are too great to grant Powertech the requested permits (EPA, 2017). Allowing these permits would contaminate two aquifers temporarily, as well as risk irreversible uranium contamination, could potentially expose the aquifers and surrounding areas to excursions, and violate the EPA’s Safe Drinking Water Act exemption guidelines.</p> <p><u>III. Legal Issues</u></p> <p>An investigation by Pro Publica deemed that allowing permitting to allow chemical injections and Safe Drinking Water Act exemptions conflicts with the EPA’s mandate to protect drinking water (Lustgarten, Dec. 11, 2012). Legally, the EPA is only permitted to grant exemptions to aquifers that are unable to supply drinking water because they are too remote, unclean, or deep (Lustgarten, Dec. 11, 2012). This permit would violate these requirements because the Inyan Kara and Minnelusa Aquifers do not fit the given conditions to be unfit for drinking water.</p> <p><u>IV. Conclusion</u></p> <p>I greatly appreciate your willingness to review public comments on the draft permits and aquifer exemption for the uranium mining project in southwestern South Dakota. I encourage you to</p>

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	Ex. 6 Personal Privacy (PP)		strongly consider the risks uranium injection poses to the affected aquifers. Exemptions on policies like this make laws less stringent and could set a precedent for future miners. Since the late 1980s, the EPA has permitted energy and mining operations to pollute portions of more than 100 aquifers of drinking water (EPA, N.d.). The Safe Drinking Water Act is in place to protect United States' citizens from ingesting harmful substances and no exemption should be permitted to compromise that, as it is clear that even after "clean-up," there is the potential for lasting contamination. Thank you for your consideration.
00417		Individual	<u>Don't exempt aquifers from the Clean Water Act. That you are even asking tells me you KNOW you will be polluting for generations to come, in which case, I say shame on you. Stand up for what is right here, for what is good, for what is best. Don't let corporate polluters make a disaster site for America. Don't kill people, don't give us cancer, don't hurt us.</u>
00423		Individual	Subject: draft permits and aquifer exemption for uranium mining project in southwestern South Dakota I am writing to state my opposition to the draft Underground Injection Control Area Permits issued to Powertech Inc. for injection wells for the in-situ recovery of uranium in Inyan Kara Group aquifers. I am opposed to the approval of an aquifer exemption, which would exempt portions of this aquifer from protection under the Safe Drinking Water Act . This exemption would set a dangerous precedent by exempting drinking water protections at the federal level. I am concerned for the health and safety of the citizens of South Dakota and Wyoming that utilize this aquifer; and for the tourists that visit the Black Hills and Mount Rushmore. Deep injection wells have the potential to leak. ProPublica completed a review of more than 220,000 well inspections from October 2007 to October 2010, finding that structural failures were routine. More than 17,000 integrity violations were handed out and more than 7,000 of these wells were found to be leaking (https://www.propublica.org/article/injection-wells-the-poison-beneath-us). Moved to p. 769
00431		Individual	Subject: Uranium mining project - South Dakota <u>I'm writing in regards to the aquifer exemption for Powertech Inc and their uranium disposal. I really don't see a single reason to grant them this exemption. This will not only endanger those that rely on the water supply surrounding these well fields, but is a threat to the surrounding environment. It sets a dangerous precedent, as long as a company pays off someone high up in</u>

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<u>00434</u>		<u>Individual</u>	<u>How about NOT approving an exemption allowing toxic wastewater to be injected into an aquifer?</u>
<u>00448</u>		<u>Individual</u>	<u>No exemptions should be made nor any permit be issued to mine Uranium nor dump toxic chemicals into our critical aquafirs that are necessary to sustain life.</u>
<u>00451</u>		<u>Individual</u>	<u>Asking for an aquifer exemption should certainly make clear their intentions. Many people use the very same Inyan Kara aquifer that the mining will be done in, and are at lower elevations. The deep disposal of waste into lower aquifers, is just an easy means for disposal of this toxic waste. Out of sight, out of mind, and too deep to be monitored. Will it flow into other aquifers? What happens after they are finished and long gone? Who monitors it then? Moved to p. 769 Who cleans up any leaks or excursions from waste disposal ponds? Who pays for it? Moved to p. 924 Once stirred up, the process continues, leaching forever into the ground water around the project area. Into Beaver Creek, into the Cheyenne River, into Angostara Reservoir, where people swim, fish and enjoy the outdoors. Since the recovery of the uranium is not 100% and they are not pulling the other harmful elements out for production, arsenic, which is a known cancer-causing metal and contaminates wells. Molybdenum and Vanadium, etc. are another elements that could be extracted. But I see no intention within permits to recover anything other than uranium. All that will be waste. We recycle plastics, glass and cardboard. Moved to p. 499</u>
<u>00553</u>		<u>South Dakota DENR</u>	<u>1. An EPA issued Aquifer Exemption in South Dakota for Class III injection does not exempt groundwater from the requirements of the state's Groundwater Quality Standards (ARSD 74:54:01). However, it is DENR's position that if the Aquifer Exemption is finalized, South Dakota's groundwater quality standards will not apply within the exempted area. The state's Groundwater Quality Standards will apply and be enforceable on groundwater located outside of the exempted area.</u>
<u>00454</u>		<u>Individual</u>	<u>the text of the permits already includes exemptions to the uranium-bearing portions of the Inyan Kara Group aquifers. In my reading I have learned that if no exceptions or exemptions to existing environmental laws were granted, no part of this operation would be allowed.</u>

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00458	Ex. 6 Personal Privacy (PP)	Individual	<u>No exemption should allow placing nuclear waste in waters which could be used by agricultural animals and thus indirectly by humans</u> A ProPublica website article dated December 26, 2012 on Wyoming in situ mining notes "The Safe Drinking Water Act forbids injecting industrial waste into or above drinking water aquifers, but the EPA issued what are called aquifer exemptions that gave mine operators at the ranch permission to ignore the law. Over the last three decades, the agency has issued more than 1,5000 such exemptions nationwide, allowing energy and mining companies to pollute portions of at least 100 drinking aquifers."
00459		Individual	<u>INSTEAD OF SAYING THAT PARTS OF THE INYAN KARA AQUIFERS ARE UNDER CONSIDERATION FOR EXEMPTION, YOUR STAFF SAID, "THE AREAS THAT WE ARE EXEMPTING" -AS IF THE EXEMPTION HAS ALREADY BEEN GRANTED -OR AT LEAST AS IF THE DECISION HAS ALREADY BEEN MADE. [this comment refers to the powerpoint presentation I gave at the public hearings, so I don't this we need to address this comment?]</u>
00462		Individual	<u>All of the aquifers in this proposal are presently being used for potable water by local residents, thus no exemption to the safe drinking water act of 1974 should be allowed. Both domestic and agriculture wells are in use.</u>
00466		Individual	<u>I urge you not to exempt a portion of the Inyan Kara aquifer from the Safe Drinking Water Act. The Inyan Kara is used by many people and livestock and given the aforementioned risk factors, water contamination is likely.</u>
00470		Individual	<u>Regarding the aquifer exemption, if the Safe Drinking Water Act can be readily set aside with an exemption, what is the point of the Act at all? The entire point the Act is to prevent the types of contamination under proposal here. Water in western SD is so precious & scarce that even if some wells are not used for human or animal consumption now, that is not to say they will not be desperately needed in future & should be protected.</u>
00478		Individual	RE: Two Underground Injection Control (UIC) Draft Area Permits, and one associated Proposed Aquifer Exemption Decision for the Dewey-Burdock Uranium In-Situ Recovery (ISR) Site located near Edgemont, South Dakota under the Authority of the Safe Drinking Water Act and UIC Program Regulations in connection with the Class III Area Permit to exempt the uranium bearing

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	14.8		<p>portions of the Inyan Kara Group Aquifers. Note -Powertech is now owned by AZARGA. I have used Powertech and/or AZARGA-Powertech in my document.</p> <p>Fellow Public Attendees and EPA representatives,</p> <p>I, Kathleen F. Bailey from Englewood Colorado, stand here today to loudly and clearly oppose the proposed Aquifer Exemption decision for the Dewey-Burdock uranium in-situ recovery (ISR) site located near Edgemont, South Dakota under the Authority of the Safe Drinking Water Act and UIC program regulations in connection with the Class III area permit to exempt the uranium barring portions of the Inyan Kara Group Aquifers.</p> <p>The EPA has proven itself to have devolved into nothing more than an 8 billion dollar agency dedicated to supporting and promoting EXEMPTIONS for the very industries that continue to cause massive environmental contamination -the legacy of which is left to the local residents for generations.</p> <p>AT ISSUE -The portions of the Inyan Kara Group aquifers the EPA proposes to exempt have historically been used as a source of drinking water, are currently used as a source of drinking water, and can be a future source of drinking water.</p> <p>EPA's current Title 40 146.4 declares "The proposed aquifer exemption area must not be a current or future source of drinking water using the criteria at 40 CFR146.4".</p> <p>This latest grotesque and alarming action by the EPA to propose exemption of these portions of the Inyan Kara Group aquifers blatantly ignores the existing original EPA aquifer exemption criteria found in Title 40 146.4, and sets a disastrous new precedence for opening up our ever more scarce and precious life sustaining clean water Aquifers that can be used as sources for drinking water to permanent contamination from oil/gas hydraulic fracturing for UIC recovery and disposal wells, and uranium and other ISR mining activities that also utilize hydraulic UIC recovery and disposal well activities, and any other In-Situ Solution Mining.</p> <p>The evidence of the convoluted joint efforts between the EPA and AZARGA-Powertech to set this precedent in order to change the current Aquifer Exemption criteria is spelled out in the EPA's 11/17/16 Aquifer Exemption Technical Memorandum.</p> <p>As recorded in the 11/17/16 Memorandum, EPA and Powertech worked cooperatively to manipulate (as evidenced by actions regarding the resident using well 16) the status of current drinking water use of water from the targeted portions of the Inyan Kara group in order to eliminate the "current use" protection from exemption under the current 40 146.4 Criteria, and then intend to eliminate the "or future source of drinking water" criteria by simply not</p>

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			<p>considering 'future source of drinking water' with this Aquifer Exemption Proposal. If this this proposed Aquifer Exemption were to be Allowed, the "future source of drinking water" protection will be eliminated by this precedent setting Aquifer Exemption.</p> <p>Currently there are multiple wells drawn from the targeted portions of the Inyan Kara Group Aquifers that were historically and currently used for both human and livestock consumption. Many of these residences are currently abandoned and therefore the EPA and AZARGA-Powerteck can say are not currently using the water for drinking water. But at least one residence continues to use well water (well 16) from this targeted portion of the Aquifer. To create a "no current use status" from which the EPA and AZARGA-Powerteck are trying to base this AE Proposal, Powerteck promised to permanently provide the resident with bottled water for drinking if they agreed to let Powerteck severe and seal off the water line from the well to the home. The resident agreed and the water line from the well to the house was severed and sealed. However, well 16 water continues to be used for this resident's livestock -Which under SD laws is still considered the same as well water used for human consumption -A fact that the EPA is also willing to ignore!</p> <p>But this was sufficient for the EPA to approve consideration for the proposed Aquifer Exemption concluding their 11/17 /16 Memorandum; "Based on the CZA calculations, the EPA has concluded that the portions of the Inyan Kara aquifers proposed for exemption 'do not currently serve' as a source of drinking water."</p> <p><i>[Handwritten]</i> per Valois Shea on 3/6/2107, two well fields will be removed in regards to Well 16 I publicly denounce this current effort by the EPA, and I demand that the EPA follow its own laws and Environmental Protection mandate and not approve this Inyan Kara Aquifer group for exemption, because in fact this Inyan Kara Aquifer Group is indeed a "current and future source of drinking water" that requires an mandates protection!</p>
00488	Ex. 6 Personal Privacy (PP)	Individual	South Dakotans do not want to be the dumping ground for toxic waste. No amount of assurances by anyone can guarantee the safety of our precious water. I am incredulous that the EPA is also proposing to exempt the portion of the Inyan Kara Aquifer from the "Safe Drinking Water Act" which is necessary for mining to occur there. WHY? Why would you want to make our water unsafe to make a few guys rich?
00512		Individual	An exemption to the Safe Drinking Water Act is being sought as part of this project. Protection of drinking water is necessary and should be a basic function of a government that is concerned with its citizens' health and well-being. If the EPA abdicates itself of this responsibility to the

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			people of South Dakota, those people's health and livelihoods will be put at risk. It will potentially add to the burden of the healthcare system and could ultimately results in lawsuits costing the EAP millions of dollars, for which the US taxpayers will ultimately be responsible.
00528	Ex. 6 Personal Privacy (PP)	Aligning for Responsible Mining	<p>7. COMMENTS ON TWO OPTIONS FOR APPROVAL OF THE AQUIFER EXEMPTION THAT POWERTECH REQUESTED RELATED TO THE CLASS III PERMIT APPLICATION</p> <p>The EPA has suggested two options for AE Approval:</p> <p>Two Options for AE Approval: For this reason, the EPA is offering and requesting comment on two options for approval of the AE area based on the status of well 16:</p> <p>Option 1 includes approval of the AE area shown in Figure 4, excluding the two Burdock Area wellfields (6 and 7) shown in blue in Figure 4. Powertech may request the exemption of Burdock wellfields 6 and 7 once well 16 is plugged and abandoned after the alternative water supply is in place. Both Burdock wellfields 6 and 7 are being excluded from this option because it appears that the southeastern end of Burdock wellfield 7 partially overlaps the northeast end of Burdock wellfield 6 in the area of well 16 as shown in Figure 4. Well 16 is located up-gradient of Burdock wellfields 1 and 8, which are the closest Burdock wellfields to well 16 outside of wellfields 6 and 7. Even though well 16 is located up-gradient of Burdock wellfields 1 and 8, the EPA calculated the capture zone width for well 16, as discussed below, to verify it does not cross the AE boundaries for Burdock wellfields 1 and 8.</p> <p>Option 2 allows Powertech to plug and abandon well 16 before the issuance of the final AE Record of Decision. After well 16 has been plugged and abandoned, the EPA will be in a position to determine that the groundwater within the AE boundary for Burdock wellfields 6 and 7 is not a current source of drinking water, and can approve the portion of the AE area shown in blue in Figure 4 as part of the final AE Record of Decision.</p> <p>As between the two Options, it would be preferable to require Powertech, under Option 1, to request the exemption of Burdock wellfields 6 and 7 once well 16 is plugged and abandoned after the alternative water supply is in place. Powertech doesn't have the funds or resources to properly plug and abandon the boreholes, and Well 16 or do anything else and, therefore, should be required to demonstrate performance with the EPA requirements and existing NRC License Conditions, including the proper plugging and abandonment of all boreholes, and the implementation of the alternative water supply for Well 16, before it is allowed to request the exemption for wellfields 6 and 7.</p>

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00531	Ex. 6 Personal Privacy (PP)	Individual	<p>§146.4 Criteria for exempted aquifers.</p> <p>An aquifer or a portion thereof which meets the criteria for an “underground source of drinking water” in §146.3 may be determined under §144.7 of this chapter to be an “exempted aquifer” for Class I-V wells if it meets the criteria in paragraphs (a) through (c) of this section. Class VI wells must meet the criteria under paragraph (d) of this section:</p> <p>(a) It does not currently serve as a source of drinking water; and</p> <p>(b) It cannot now and will not in the future serve as a source of drinking water because:</p> <p>(1) It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.</p> <p>(2) It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical;</p> <p>(3) It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or</p> <p>(4) It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or</p> <p>(c) The total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.</p> <p>(d) The areal extent of an aquifer exemption for a Class II enhanced oil recovery or enhanced gas recovery well may be expanded for the exclusive purpose of Class VI injection for geologic sequestration under §144.7(d) of this chapter if it meets the following criteria:</p> <p>(1) It does not currently serve as a source of drinking water; and</p> <p>(2) The total dissolved solids content of the ground water is more than 3,000 mg/l and less than 10,000 mg/l; and</p> <p>(3) It is not reasonably expected to supply a public water system.</p> <p>(Clean Water Act, Safe Drinking Water Act, Clean Air Act, Resource Conservation and Recovery Act: 42 U.S.C. 6905, 6912, 6925, 6927, 6974)</p> <p>[45 FR 42500, June 24, 1980, as amended at 47 FR 4998, Feb. 3, 1982; 48 FR 14293, Apr. 1, 1983; 75 FR 77291, Dec. 10, 2010]</p> <p>The attached water test shows TDS and U levels below the secondary maximum contaminant levels established by EPA for potable drinking water. Based on these standards, the Minnelusa</p>

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	Ex. 6 Personal Privacy (PP)		<p>Aquifer sampled in this case is a valid source of drinking water, and, given that the USGS document cited earlier does not recognized barriers to water flow within the aquifer, the Minnelusa Aquifer is ineligible for an aquifer exemption, and this residents potable water supply may be jeopardized by uncontained injected waste.</p> <p>[ATTACHMENT: test results from Midcontinent Testing Laboratories, Inc.]</p>
00537		Native Research Solutions	<p>An aquifer exemption allows mining activity to occur in groundwater that would otherwise be protected as a drinking water source. EPA promulgated rules for exempting aquifers from the SDWA in 1980.²⁰ The EPA allowed for the creation of aquifer exemptions so as not to severely limit certain types of energy production, such as ISL mining.²¹ The EPA Administrator was given the authority to exempt certain underground sources of drinking water when those sources have “no real potential to be used as drinking water sources.”²² As of 2014, more than 4,000 exemption permits have been approved by EPA throughout the country.²³</p> <p>An aquifer meets the criteria for exemption if:</p> <p>(a) It does not currently serve as a source of drinking water; and (b) it cannot now and will not in the future serve as a source of drinking water because: (1) it is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible; (2) It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical; (3) It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or (4) It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or (c) The total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.²⁴</p> <p>In this case, Powertech is requesting the aquifer exemption under (a) and (b)(1). Subsection (a), requiring current use of an aquifer is clearly inconsistent with Congress’s intent that aquifers be protected if it is reasonable they could be used in the future. Subsection (b)(1) is similarly inconsistent with Congress’s intent that water sources be protected, regardless of whether there are economically valuable minerals in the aquifer.</p>
00537		Native Research Solutions	<p><u>I. The Class III and Class V UIC Permits Should Be Denied Because Contamination from ISL Mining Operations is Certain and Irreversible.</u></p>

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	14.0		<u>The EPA has also stated, "Based on EPA's experience with other in-situ mining projects, EPA believes there is a high likelihood that, following mining activities, residual waste from mining activities will not remain in the exempted area" and waste will travel throughout the aquifer.⁹ These statements confirm community fears that certain and irreversible contamination will occur in the overlying and underlying aquifers which residents rely on.</u>
00537	Ex. 6 Personal Privacy (PP)	Native Research Solutions	<p>II. The Proposed Aquifer Exemption Should Be Denied Because it is Inconsistent with the Purpose and Intent of the Safe Drinking Water Act.</p> <p>The Safe Drinking Water Act (SDWA) was passed in 1974 and amended in 1996.¹¹ The purpose of the SDWA is to assure that drinking water sources meet minimum national standards for the protection of public health "to the maximum extent feasible."¹² The SDWA accomplishes its purpose of protecting drinking water supplies throughout the nation by setting national health-based standards for drinking water, creating barriers against pollution, providing grants to states to implement state drinking water programs, and by disseminating information to the public about water systems in their area and where their water comes from.¹³ Standards for drinking water set "enforceable maximum contaminant levels for particular contaminants in drinking water."¹⁴ Barriers against contamination include source water protection, treatment, distribution system integrity, and public information.¹⁵</p> <p>It was Congress's intent that the SDWA be "liberally construed so as to effectuate the preventative and public health protective purposes of the bill."¹⁶ Congress sought to protect not only currently-used sources of drinking water, "but also potential drinking water sources for the future."¹⁷ Congress noted that contamination of potential drinking water sources should "not be permitted if there is any <i>reasonable likelihood that these sources will be needed in the future</i> to meet the public demand for drinking water and if these sources may be used for such purposes in the future."¹⁸</p> <p>The SDWA creates the framework for the Underground Injection Control (UIC) program. The SDWA directs EPA to establish minimum requirements for control of underground injection processes in order to protect sources of drinking water.¹⁹ The UIC program governs the ISL process.</p>
00549		Powertech (USA) Inc.	<u>G-13: It is noted that some historical and recent ISR projects (e.g., the Cameco Resources Crow Butte ISR Project and the UEC Burke Hollow ISR Project) received aquifer exemptions for the majority of the permit area. Powertech originally proposed an aquifer exemption boundary at a reasonable distance from the ISR wellfields (1,600 feet from the injection and production wells),</u>

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			<p>which was consistent with WDEQ, Land Quality Division Chapter 11 regulations. This would have provided an operational buffer for adjusting wellfield boundaries based on delineation drilling and for ensuring that ISR solutions remain within the exempted aquifer. At EPA's request, Powertech revised the proposed aquifer exemption boundary to only include a very narrow buffer area extending 120 feet from the perimeter monitoring well ring for the proposed wellfields. Many of the proposed requirements in the draft permit, such as installing additional down-gradient compliance boundary monitoring wells if a statistically significant increase is observed during post-restoration groundwater monitoring, would fit within a larger aquifer exemption buffer area. However, these requirements are poorly suited to the relatively small area currently proposed. When Powertech proposed the 120-foot offset distance at EPA's request, it was unaware of the proposed permit conditions that would make this narrow buffer area operationally challenging. Accordingly, EPA should approve the ¼-mile buffer in the designation of the exempted aquifer if the proposed permit conditions are imposed, as described in Attachment A-10.</p>
00553	Ex. 6 Personal Privacy (PP)	South Dakota DENR	<p><u>Comments on the Aquifer Exemption Draft Record of Decision</u></p> <p>13. Page 9, Option 2 - DENR recommends EPA select Option 2, plugging and abandonment of well 16. This is DEN R's preferred option because it eliminates the possibility of well 16 being used as a drinking water well in the future.</p> <p>14. Page 12, Flow Rates Used in the Capture Zone Equation - In the first paragraph of this section replace "South Dakota State Engineer's Office" with "South Dakota Department of Environment and Natural Resources".</p> <p>15. Page 14, Flow Rates Used in the Capture Zone Equation - in the third paragraph on this page replace "State Engineer" with "South Dakota Department of Environment and Natural Resources".</p> <p>16. Page 18 - 19, Demonstration that the Injection Zone Fluids Will Remain within the Exempted Portion - DENR recommends EPA include a bullet describing the Class III Area Permit mechanical integrity requirements as an additional factor supporting EPA's conclusion that adjacent USDWs will not be impacted.</p>
00565		Thunder Valley Community Development Corporation	<p>The EPA proposes to issue permits to pollute two of the three major aquifers in the Black Hills region. This would completely prevent any further economic development in the southwestern Black Hills and downstream, due to the lack of safe drinking water. Radiation is forever. Our water will never be the same, and this is the point of the company seeking an aquifer exemption.</p>

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			It is also critical for the EPA and the company to prove that the Minnelusa Aquifer could not be used for drinking water under any likely scenario—not just under current conditions. The Aquifer should have been tested to determine its drinking water status before a draft permit was issued. It is imperative that the company's actions be directly monitored (on the ground) if testing is being done to determine water quality in the Minnelusa Aquifer. Moved to p. 775
07447	Ex. 6 Personal Privacy (PP)	Individual	<p>The permittee(s) should NOT be granted a UIC permit or permits that exempt them from applicable regulations that protect human health and the environment, and that protect the quality of the aquifer in the southern Black Hills region in Custer and Fall River Counties of South Dakota, and that protect this aquifer from contamination and deterioration in quality from the disposal of mining waste into or adjacent to the aquifer.</p> <p>The EPA should not grant permits or exemptions from aquifer protection network to Powertech USA that would allow disposal of uranium mining waste in or adjacent to the aquifer in the southern Black Hills region in Custer and Fall River Counties of South Dakota.</p> <p>The EPA should determine that the aquifer is subject to safe drinking water standards and should not approve an aquifer exemption.</p>
07459 (Valentine hearing)		Individual	<p>Ex. 6 Personal Privacy (PP) I live west of Crawford, Nebraska. And it's been brought up to me that the idea of cleaning up the water back to its original state is the plan for this in-situ leach mine.</p> <p>[...]</p> <p>And I would think that before a new permit is given to exempt an aquifer, these companies should prove that they can put that water back the way it was. And if they can't do it, then they shouldn't be given an exemption. That's my opinion. I think it should be upheld ahead of time rather than wait until afterwards and we find out it can't be done. That's protecting our environment and our water.</p> <p>[...]</p> <p>And it shouldn't be allowed in our state or anywhere else. So hopefully they can clean up the water and prove it to us before anything is decided.</p> <p>Thank you.</p>

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07459 (Valentine hearing)	Ex. 6 Personal Privacy (PP)	Individual	<p><u>Ex. 6 Personal Privacy (PP)</u> I live west of Crawford, Nebraska, along the White River, about 10 miles from an in-situ leach mine. And we're going to hear a lot of things about in-situ leach mines and exempting aquifers. They are not a contained system. They will leak. It's a fact. They will leak, and people downstream are going to feel the hazards of this.</p> <p>I'm here to oppose this. It's wrong. It's criminal to exempt any aquifer. It's -- I just don't have enough words to say how criminal this is. The EPA should not be exempting any aquifer. Water is life. And if we ruin it, we waste it, we're going to die.</p>
07460 (5/8 Rapid City hearing)		Individual	<p>South Dakotans do not want to be dumping grounds for toxic waste. No amount of assurances by anyone can guarantee the safety of our precious water, and I am incredulous that the EPA is also proposing to exempt the portion of the Inyan Kara aquifer from the Safe Drinking Water Act, which is necessary for them to be able to mine.</p> <p>Why would we ever want to delete the Safe Drinking Water Act from any kind of mining? Why? Why do you want to make our water unsafe to make a few guys rich? I don't get it.</p>
07460 (5/8 Rapid City hearing)		Individual	<p>I urge you not to exempt a portion of the Inyan Kara Aquifer from the Safe Drinking Water Act. The Inyan Kara is used by many people and livestock, and given the aforementioned risk factors, water contamination is likely.</p>
07461 (5/9 Rapid City hearing)		Individual	<p><u>Ex. 6 Personal Privacy (PP)</u> I, Kathleen Bailey, from Englewood, Colorado, stand here today to loudly and clearly oppose the proposed aquifer exemption decision for the Dewey-Burdock uranium in-situ recovery site located near Edgemont, South Dakota under the authority of the Safe Drinking Water Act and UIC program regulations in connection with Class III area permit to exempt uranium-bearing portions of the Inyan Kara aquifers.</p> <p>[...]</p> <p>At issue, the portions of Inyan Kara aquifers the EPA proposes to exempt have historically been used as a source of drinking water, are currently used as a source of drinking water, and can be a future source of drinking water.</p> <p>EPA's own current Title 40 146.4 declares the proposed aquifer exemption area must not be a current or future source of drinking water using the criteria under 40 C.F.R. 146.4.</p> <p>This latest grotesque and alarming action by the EPA to propose this exemption for these portions of the Inyan Kara aquifers blatantly ignores the existing original EPA aquifer exemption criteria found in Title 40 146.4 and sets a disastrous new precedence for opening up ever more</p>

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			<p>scarce and precious life-sustaining clean water aquifers that can be used as a source of drinking water to permanent contamination from oil and gas hydraulic fracturing using the UIC recovery and disposal wells, from uranium and other ISR mining activities that also utilize hydraulic fracturing for their UIC recovery and disposal well activities, and in any other in-situ solution mining.</p> <p>The evidence of the convoluted joint efforts between the EPA and Azarga/Powertech to set this precedent in order to change the current aquifer exemption criteria is spelled out in the EPA's own November 17, 2016 Aquifer Exemption Technical Memorandum done by Valois Shea.</p> <p>As recorded in this memorandum, EPA and Powertech work cooperatively to manipulate the status of the current drinking water use of water from targeted portions in the Inyan Kara group in order to eliminate the current use protection from exemption under the current 40 146.4 criteria, and then intend to eliminate the "or future source of drinking water" criteria by simply not considering future source of drinking water with this aquifer exemption proposal. If this proposed aquifer exemption were allowed to go through, future source of drinking water protection will be eliminated by this precedent-setting aquifer exemption.</p> <p>Currently by this study there are multiple wells drawn from the targeted portion of the Inyan Kara group aquifers that were historically and currently used for both human and livestock consumption. Many of these residences are currently abandoned, and therefore, EPA and Azarga/Powertech can say they are not currently using the water for drinking.</p> <p>But at least one residence continues to use the well water, Well 16, from the targeted portion of the aquifer.</p> <p>To create a no-current-use status from which the EPA and Azarga/Powertech are trying to base this aquifer exemption proposal, Powertech promised to permanently provide the resident with bottled water for drinking if they agreed to let Powertech sever and seal off the waterline from the well to their home.</p> <p>Well, 16 continues to be used for this resident's livestock, which under South Dakota laws is still considered the same as water used for human consumption, a fact that EPA in November 2016 was willing to ignore.</p> <p>Their conclusion for that memorandum was based on CZA calculations, the EPA has concluded that the portions of the Inyan Kara aquifers proposed for exemption do not currently serve as a source of drinking water.</p>

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			<p>Since the November '16 memorandum, in March of 2017 they tried to get around this -- the concern they realized they faced with the Well 16 by removing the two fields associated with Well 16 from being mined, as if the contamination that results from all the other fields all around the two fields removed, will not migrate into the well that feeds 16, and also does not address the wells that are simply currently not being used that feed from all the other parts of the Inyan Kara aquifer.</p> <p>[...]</p> <p><u>Ex. 6 Personal Privacy (PP)</u> Certainly.</p> <p>I wish to add two more facts. What the EPA won't tell you is that uranium in-situ recovery mining has consistently resulted in contamination. And per the USGS, to date there had been no successful mitigation of the contamination resulting from in-situ recovery mining, so your current status of future source of drinking water will be permanently lost if this exemption is approved.</p>
07461 (5/9 Rapid City hearing)	<u>Ex. 6 Personal Privacy (PP)</u>	Individual	<p><u>One other issue I would like to address here is the EPA's aquifer exemption. I know by regulation you're allowed to do this. I recall back in the 1970s when the EPA was first formed.</u></p> <p><u>There were, I don't know how many, numerous toxic sites, polluted sites around the country, and the EPA really did, over the years, a really good job of getting a lot of these cleaned up, increasing public awareness, and creating regulations by which the industry and other companies had to abide in order to keep the environment clean.</u></p> <p><u>But somewhere along the line, it seems like, with all respect, you may have violated the public trust by including regulations that now allow certain areas, aquifers, whatever to be polluted.</u></p> <p><u>With all respect, I would suggest that these regulations be revisited and serious reconsideration be given to them.</u></p>
07461 (5/9 Rapid City hearing)		Individual	<p><u>Let's talk about water, seems to be a big concern. The water within the aquifer exemption areas is currently unfit for human consumption. So the beauty of this project is it is going to remove the uranium from that water.</u></p>
07462 (Hot Springs hearing)		Individual	<p>And remember, Powertech cannot -- Powertech cannot do any mining at all unless the laws protecting the water and the land are put aside and waivers issued allowing the contamination, which is by law not allowed.</p>

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07462 (Hot Springs hearing)	Ex. 6 Personal Privacy (PP) (repeat of previous testimony)	Individual	<p>Ex. 6 Personal Privacy (PP) stand here before you again to repeat loudly and clearly: I oppose the proposed aquifer exemption decision for the Dewey-Burdock uranium in-situ recovery site located near Edgemont, South Dakota, under the authority of the Safe Drinking Water Act and UIC program regulations in connection with Class III area permit to exempt uranium-bearing portions of the Inyan Kara aquifers.</p> <p>[...]</p> <p>EPA's own current Title 40 146.4 declares, quote: The proposed aquifer exemption must not be a current or future source of drinking water using the criteria at 40 C.F.R. 146.4.</p> <p>This latest grotesque and alarming action by the EPA to propose exemption of these portions of the Inyan Kara group aquifers blatantly ignores the existing original EPA aquifer exemption criteria found in Title 40 146.4 and sets a disastrous new precedence for opening up our ever more scarce and precious life-sustaining clean water aquifers that can be used as a source of drinking water to permanent contamination from oil and gas, UIC recovery and disposal wells, and uranium and other ISR mining activities that utilize UIC recovery disposal well activities, and any other in-situ solution mining.</p> <p>The evidence of the convoluted joint efforts between the EPA and Azarga/Powertech to set this precedence to change their own laws is spelled out in EPA's 11/17/16 Aquifer Exemption Technical Memorandum done by Valois Shea.</p> <p>As recorded in that 11/17/16 memorandum, EPA and Powertech worked cooperatively to manipulate the status of the current drinking water use from these targeted portions of the Inyan Kara group in order to eliminate the current use protection from exemption under the current 40 146.4 criteria.</p> <p>And then they intend to eliminate the "or future source of drinking water" protection of an aquifer simply by considering -- simply by not including future-source drinking water in their aquifer exemption proposal.</p> <p>If this proposed aquifer exemption were to be allowed, the future source of drinking water that now protects aquifers -- clean water aquifers, that protection of that status will be eliminated by this precedent-setting aquifer exemption.</p> <p>Currently -- based on the 11/17 EPA memorandum, currently there are multiple wells. This is permanent well -- wells that were used and some are currently used as well water for human consumption and livestock consumption. There are multiple wells drawn from the targeted portions of the Inyan Kara aquifers that were historically and currently used for both human</p>

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			<p>and livestock consumption.</p> <p>Many of these residences are simply currently abandoned, and therefore, the EPA and Azarga/Powertech can say for those residents they are -- there is no one currently using this water from the Inyan Kara group for drinking water.</p> <p>But at least one resident continues to use the water, Well 16, from this targeted portion of the aquifer. In order to create a no-current-use status from which the EPA and Azarga/Powertech are trying to base this particular aquifer exemption proposal, Powertech promised to permanently provide the resident with bottled water for drinking if they agreed to let Powertech sever and seal off the house -- the well to the house, the well to the home. The resident did agree, and the waterline from the well to the house was severed and sealed.</p> <p>However, Well 16 continues to be used for livestock for this resident. And at that time --</p> <p>[...]</p> <p>Ex. 6 Personal Privacy (PP) : Sure.</p> <p>But at that time, this was sufficient for the EPA in this memorandum to conclude, based on the CZA calculations, the EPA has concluded that the portions of the Inyan Kara aquifers proposed for exemption do not currently serve as a source of drinking water.</p> <p>And the last meeting I attended, Valois -- Valois informed me that after this November 17 memorandum in 2016, a March 6, 2017 memorandum was created in which two of the mining wells were simply pulled out of those UIC mining well -- injection wells from that group because they somehow devised that those two sites were what fed that Well 16. However --</p> <p>[...]</p> <p>KATHLEEN BAILEY: So your current status of future source of drinking water will be permanently lost if this exemption is approved.</p>
07463 (Edgemont hearing)	Ex. 6 Personal Privacy (PP)	Individual	<p>A ProPublica website article dated December 26, 2012 on Wyoming in-situ mining notes, quote: "The Safe Drinking Water Act forbids injecting industrial waste into or above drinking water aquifers, but the EPA issued what are called aquifer exemptions that gave mine operators at the ranch permission to ignore the law. Over the last three decades, the Agency has issued more than 1500 such exemptions nationwide, allowing energy and mining companies to pollute portions of at least 100 drinking aquifers."</p> <p>No exemption should allow placing nuclear waste in waters which could be used by agricultural animals and thus indirectly by humans.</p>

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07642 (Hot Springs hearing)	Ex. 6 Personal Privacy (PP)	Individual	But it is your main responsibility to protect the public's access to clean water, per the Safe Drinking Water Act. No exemptions of this law should be made nor any permit be issued to mine uranium or dump toxic chemicals into our critical aquifers which are necessary to sustain life. Please use your conscience and your legal obligation to the American public and deny these permits.
07642 (Hot Springs hearing)		Individual	I have grave concerns for giving an aquifer exemption for the Minnelusa to deposit waste in Class V deep injection wells or Class III wells and the in-situ mining of uranium.
07463 (Edgemont hearing)		Individual	<p>Ex. 6 Personal Privacy (PP) have to make a disclaimer. I'm from out of state, but no one shipped me here. I drove up in a 1994 Toyota Corolla with my dog, and I'm staying at a campsite. I just got in on Monday so I could be at all of these. I'm here from -- so I can be at all these meetings.</p> <p>AUDIENCE MEMBER: Use the mic.</p> <p>Ex. 6 Personal Privacy (PP) I didn't want them to take my time by doing that. I'm here from my passion and heart. No one shipped me here. You wouldn't hear me anyway if I was at the mic.</p> <p>I don't have the eloquence or the knowledge of the majority of the people that spoke today, so I'll be repeating what I've said in the last -- in the meetings, all the meetings I've attended.</p> <p>Ex. 6 Personal Privacy (PP) I from Englewood, Colorado, stand here before you again to repeat loudly and clearly that I oppose the proposed aquifer exemption decision for the Dewey-Burdock uranium in-situ recovery site located near Edgemont, South Dakota under the authority of the Safe Drinking Water Act and UIC program regulations in connection with the Class III area permit to exempt the uranium-bearing portions of the Inyan Kara Groom aquifers.</p> <p>[...]</p> <p>At issue, the portions of the Inyan Kara aquifer the EPA proposes to exempt have historically been used as a source of drinking water, are currently used as a source of drinking water, and can be a future source of drinking water.</p> <p>EPA's current Title 40 146.4 declares, "The proposed aquifer exemption area must not be a current or future source of drinking water using the criteria at 40 CFR 146.4."</p> <p>With this specific aquifer exemption approval, they will set a precedent eliminating that second part of protecting the future -- exempt an aquifer that could be used as a future source of water.</p>

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			<p>They will set a precedent to eliminate that because they have not included it with this exemption proposal.</p> <p>And the evidence of the convoluted joint efforts between EPA and Azarga/Powertech to meet the only consideration they want to continue under their own 40 146.4. The current source of drinking water was recorded in 11- -- on the November 17, 2016 memorandum by Valois Shea, EPA and Powertech worked cooperatively to manipulate the status as "no current use" from the targeted portions of an Inyan Kara group in order to eliminate the current use protection.</p> <p>Per the 11/17/16 EPA memorandum, currently there are multiple wells drawing from the targeted portions of the Inyan Kara group aquifers that were historically and currently used for both human and livestock consumption.</p> <p>Many of these residences are currently abandoned, and therefore the EPA and Azarga/Powertech can say they are not currently using the water. But at least one of the residents continues to use the well water, Well 16, from the targeted portion of the aquifer.</p> <p>To create -- to create a "no current use" status from which the EPA and Azarga/Powertech are trying to base this aquifer exemption proposal, Powertech promised to permanently provide the resident with bottled water for drinking if they agreed to let Powertech sever and seal off the waterline from their well to their home.</p> <p>The resident agreed, and the waterline from the well to the home was severed and sealed. However, Well 16 continued to be used for the resident's livestock, which under South Dakota law is still considered the same as a well -- as well water used for human consumption, a fact that the EPA at that time was willing to also ignore.</p> <p>This was sufficient back in November 2016 for the EPA to conclude. Based on CZA calculations, the EPA has concluded that the portions of the Inyan Kara aquifers proposed for exemption do not currently serve as a source of drinking water.</p> <p>Per Valois Shea in one of the last meetings, she informed me that since that November 16 -- November 17, 2016 memorandum, they corrected themselves, and on March 6, 2017, to get around the Well 16 issue, they simply removed two wellfields within all of the wellfields that they were going to be drilling from -- from out of drilling target because they determined that those particular two wellfields are what fed that Well 16. And yet, they're in the middle of all the well -- in-situ welling that's going to go on and will contaminate the entire area.</p> <p>I publicly denounce this current effort by the EPA, and I demand the EPA follow its own laws and environmental protection mandate and not approve this Inyan Kara aquifer group for exemption</p>

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			because, in fact, this Inyan Kara aquifer group is indeed a current and future source of drinking water that requires and mandates protection.
07642 (Hot Springs hearing)	Ex. 6 Personal Privacy (PP)	Individual	<p>Ex. 6 Personal Privacy (PP) Good afternoon. My name is Ed Harvey. I'm a resident of Hot Springs.</p> <p>All the aquifers in this proposal are presently being used for potable water by local residents, thus no exemption to the Safe Drinking Water Act of 1974 should be allowed. Both domestic and agriculture wells are in use.</p> <p>[...]</p> <p>Will the agency granting these exceptions be responsible for mitigating any damages caused by this permit?</p>
07642 (Hot Springs hearing)		Individual	If this water will be so safe after treatment, why is the EPA planning to exempt the Inyan Kara aquifer from the Safe Drinking Act? This seems to me like another example of a private, for-profit, and in this instance, global corporation ramming their resource extraction and environment-destroying project down the throats of the caretakers of the land.

15. Concerns specifically about uranium ISR.

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00039	Ex. 6 Personal Privacy (PP)	Individual	Pollutants that have been left in the water at in situ leach uranium mines after "restoration" include toxic heavy metals and radioactive materials. This is dangerous and life threatening to all life forms downstream or downwind.
00070		Individual	<p>Subject: UIC Permits for Edgemont, South Dakota</p> <p>Please accept this communication as a formal comment regarding the proposed two Underground Injection Control (UIC) Draft Area Permits and one associated proposed aquifer exemption decision for the Dewey-Burdock uranium in-situ recovery (ISR) site located near Edgemont, South Dakota, under the authority of the Safe Drinking Water Act and UIC program regulations.</p> <p>I urge the EPA to deny both of these permits. Among other hazards, radon emissions, toxic heavy metals and other pollutants, including chloride, sulfate, sodium, radium, arsenic and iron, are in ISR wastewater ponds.</p>